

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

8 STEVE LIN,
9 Plaintiff,
10 vs.
11 METROPOLITAN LIFE INSURANCE
12 COMPANY and TRINET EMPLOYEE
13 BENEFIT INSURANCE PLAN,
Defendants.

Case No: C 15-2126 SBA

**ORDER RE SUPPLEMENTAL
BRIEFING**

15 Plaintiff Steve Lin brings the instant action under the Employee Retirement Income
16 Security Act to challenge the termination of his long-term disability benefits under TriNet
17 Employee Benefit Insurance Plan (“Plan”). Plaintiff claims that he is disabled within the
18 meaning of the Plan due to his chronic fatigue and headaches. While disputing that
19 Plaintiff is disabled, Defendants contend, in the alternative, that even if he were, any right
20 to the payment of benefits has lapsed. Defendants state:

21 The record shows that plaintiff's fatigue complaints had been
22 ongoing for at least three years (see ADMIN 441) when his
23 claim terminated in August 2014 – but the Plan provides a
24 maximum lifetime benefit for CFS of 24 months of payments.
25 (ADMIN 1280-81.) As such, if even plaintiff's subjective
fatigue symptoms were properly attributable to [Chronic
Fatigue Syndrome], as the records of Dr. Zarghamee stated at
several points, the 24-month period – which would start from
the inception of such symptoms – already had concluded prior
to July 2014, when benefits terminated.

27 Dkt. 85 at 20; see also Dkt. 90 at 10-11. In neither of his two briefs has Plaintiff addressed
28 this argument. See Dkt. 37, 88. Accordingly,

1 IT IS HEREBY ORDERED THAT:

2 1. Plaintiff shall file a supplemental brief that specifically addresses Defendants' 3 argument as set forth above; to wit, that, even if he were found disabled, no further benefits 4 are due under the Plan. Plaintiff's supplemental brief shall not exceed two (2) pages and 5 shall be filed by no later than August 1, 2016.

6 2. In the alternative, the parties may consent to participate in a mandatory 7 settlement conference before a magistrate judge of their choice to take place forthwith.¹ In 8 the event the parties agree to a settlement conference, the Court will refer the matter to the 9 selected magistrate judge for settlement and will hold the pending motion for summary 10 judgment and motion for judgment, along with the deadline for Plaintiff's supplemental 11 brief, in abeyance. If the action does not settle, the Court will reset the deadline for 12 Plaintiff's supplemental brief and thereafter rule on the pending motions. Should the 13 parties desire to proceed with a settlement conference at this time, they shall jointly notify 14 the Court in writing (which shall include their preference(s) for the settlement judge(s)) by 15 no later than August 1, 2016.

16 IT IS SO ORDERED.

17 Dated: 7/26/16


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge

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1 If the parties cannot agree on a settlement judge, the Court will select one for them.